

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 V.) Docket No. 16-40031-TSH
)
 1. JAMES E. LEVIN, and)
 2. JACKLYN M. SUTCIVNI)
 f/k/a JACQUELINE VACHON-JACKSON)
)
 Defendants.)

**ASSENTED-TO MOTION TO EXCLUDE TIME BETWEEN ARRAIGNMENT AND
INITIAL STATUS CONFERENCE PURSUANT TO 18 U.S.C. § 3161(h)(7)(A)**

The United States of America, by Assistant United States Attorney Michelle L. Dineen
Jerrett, hereby moves the Court to order the time excluded between arraignment and the initial
status conference pursuant to 18 U.S.C. § 3161(h)(7)(A) and Local Rule 112.2(a)(1) of the Local
Rules of the United States District Court for the District of Massachusetts (2016). In support of
this motion, the government states:

(1) The defendant James Levin (“Levin”) appeared in front of Judge Hillman on August 25, 2016 for an initial appearance and arraignment. During that proceeding, the government indicated to the court that discovery was voluminous and that counsel had spoken with Attorney Lanza, who appeared on behalf of Levin, that the government anticipated that discovery would not be complete within 28 days. The Court indicated that Judge Robertson would be in the best position to set discovery deadlines.

(2) The defendant Jacklyn Sutcivni (“Sutcivni”) appeared in front of Judge Hillman on August 26, 2016 for an initial appearance and arraignment. During that proceeding, the government (through another Assistant United States Attorney) made similar representations to

the court about discovery, and requested that the court enter an order of excludable delay during the initial 28-day discovery period. Judge Hillman verbally entered the order, but no written order issued.

(3) The defendants have elected to proceed under the automatic discovery rules. As noted, the discovery in this case is voluminous and the government anticipates needing additional time beyond the 28-day automatic discovery deadline to produce all discovery, although the government anticipates producing a significant amount of automatic discovery by September 22, 2016.

(4) The Court has scheduled an initial status conference for November 10, 2016.

(5) The defendants assent to this motion.

ACCORDINGLY, the government moves the Court to exclude the period from August 25, 2016, the earliest date that one of the defendants appeared in court in this matter, and November 10, 2016, the date set for the initial status conference, pursuant to 18 U.S.C. § 3161(h)(7)(A) and Local Rule 112.2(a)(1) of the Local Rules of the United States District Court for the District of Massachusetts (2016).

A proposed order is attached as Exhibit 1.

Respectfully submitted,

JAMES E. LEVIN,

By: /s/ Brad Bailey (by MLDJ)

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Date: September 7, 2016

CARMEN M. ORTIZ
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CERTIFICATE OF COMPLIANCE

Counsel for the defendants assent to this motion.

/s/ Michelle L. Dineen Jerrett
Michelle L. Dineen Jerrett
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Michelle L. Dineen Jerrett
Michelle L. Dineen Jerrett
Assistant U.S. Attorney

Date: September 7, 2016